

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PARKS LEGACY and
CARRIE GRANT,

Appellants,

v.

KENNETH A. NATHAN,

Appellee.

Case No. 18-cv-11586
Hon. Matthew F. Leitman

**ORDER DENYING APPELLANTS' EX PARTE EMERGENCY
REQUEST FOR A CEASE AND DESIST ORDER FOR
IRREPARABLE HARM AND CONVERSION (ECF #18)**

On May 21, 2018, Appellants Parks Legacy and Carrie Grant (“Appellants”) filed a Notice of Appeal in this Court. (*See* ECF #1.) Appellants seek to appeal a March 20, 2018, order of the Bankruptcy Court approving the sale procedures for the auction sale of certain collectible memorabilia. (*See id.* at Pg. ID 2.) The sale of the memorabilia appears to be scheduled for today (July 25, 2018). At approximately 5:00 a.m. this morning, Appellants filed an ex parte emergency request for a cease and desist order to prevent the sale of the memorabilia. (*See* Emergency Req., ECF #18.) In their request, Appellants ask the Court to take judicial notice of a number of documents attached to a notice Appellants filed on July 24, 2018. (*See id.* at Pg. ID 375.)

The Court **DENIES** Appellants' request for a cease and desist order for three reasons. First, Appellants have not given the Court a sufficient opportunity to review their eleventh-hour request. Nor have Appellants offered any justification for the delay in filing this request. The Bankruptcy Court entered the order authorizing the sale about four months ago, and Appellants did not seek to stay that order before filing this request. Second, Appellants ask the Court to take judicial notice of, and to review, a large number of documents outside of the lower court record, but they have failed to make a sufficient showing that the Court may properly consider those materials. Finally, Appellants have failed to cite or meaningfully apply the legal standards governing their request for equitable/injunctive relief. Under these circumstances, the Court cannot properly grant Appellants' request for a cease and desist order.

Accordingly, **IT IS HEREBY ORDERED THAT** Appellants' ex parte emergency request for a cease and desist order (ECF #18) is **DENIED**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: July 25, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 25, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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